

# **BOROUGH OF WATCHUNG**

## **COUNCIL MINUTES**

**NOVEMBER 23, 2015**

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order at 7:34 PM and made the following statement: Under the provision of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

**SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.**

### **ROLL CALL:**

Nehls [ P ] Black [ P ] Franklin [ P ] Joren [ P ] Gibbs [ P ] Mobus [ P ]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Engineer Tom Herits, Police Chief Joe Cina, Clerk Michelle DeRocco and Deputy Clerk MaryAnn Hance

There were 14 members of the public present

### **SPECIAL PRESENTATIONS:**

Girl Scout Silver Awards – Annika Schmidt, Gianna Tautonico

Prior to receiving their Silver Awards both young ladies gave a brief explanation of the projects they dedicated 50 volunteer hours to which included washing and making tracings of the tombstones at the God's Acre Cemetery; assisting at special events, and writing essays, completing the necessary steps to achieve this award. They thanked Sue Tucker and the Watchung Historical Commission, Dianna Beck-Clemens, Shelini Parikh, leader of Girl Scout Troop 65004, and Dianna Churchill, leader of troop 6564.

Ms. Dianna Churchill announced that Lane and Carolyn Solan are also co-leaders of this troop. Ms. Carolyn Solan presented each with their Silver Pins and Mayor Pote congratulated each for their achievement and presented them with their certificates of achievement.

9/11 Memorial Committee Discussion

Mayor Pote gave a summary of previous presentations given by the Committee members in July and their formal recommendations to Council in September, with a revision on September 30<sup>th</sup>.

Councilman Gibbs, Council Liaison to the 9/11 Committee, said the Council has debated locations several times and he would defer to the Committee's choice. He said it is time to move forward with this. Councilman Franklin said there are pros and cons for both sites but he also agrees with the Committee's choice. Councilwoman Joren said some members in the audience tonight have not been at previous meetings and she gave a brief description of the size of the monument, and explained why the north location, Stirling Road area of the lake, is not suitable. She recommends the Village Green area. Council President Nehls said a compromise would be the Village Green and he recommends this. Councilman Mobus said he would also recommend the Village Green. Councilman Black said he would also go with the Village Green since the Borough has always had the yearly 9/11 Ceremony there.

Mayor Pote also thought the North side is a good location and agrees with the Committee. He thanked the Committee for all their work on this project.

Councilman Franklin moved to support the Committee's recommendation, with a second by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Joren, Mobus, "no", Franklin, Gibbs, "yes".

Councilwoman Joren moved to support the placement of the monument at the Village Green, with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Joren, Mobus, "yes", Franklin, Gibbs, "no".

Mayor Pote thanked everyone and said this has been approved and can move forward. He also said Council will now have to find the funding, check with vendors who previously offered assistance, and decide the exact angle and location of the monument.

## REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin reported the Committee met on November 10, 2015 and reviewed the budget preparation. He also said all job descriptions are now complete. Councilman Franklin reported discussions also included a Tax map update at an estimated cost \$20,000. He said the Committee will meet with Tom Atkins, Tom Herits, Sue Zitzman, Michelle DeRocco, and Shelini Parikh for further review. He said RFP's for professional services have been received and are ready for review at a meeting scheduled for December 3<sup>rd</sup> at 8 am. He said a third RFP for banking services has been received. The Committee received reports on the summer hours schedule and they will be reviewed to see if this should be continued. Councilman Gibbs said the Borough had received proposals from two grant writing firms and he suggests the Council look at these again since there are many Federal and State Grants available.

2. Police – Council President Nehls reported there was a Committee meeting tonight prior to the Council meeting and they discussed personnel issues. He said Scott Talmadge will be resigning as of December 7<sup>th</sup> and the Department will now be down two dispatchers and one officer. Council President Nehls said they have received fifty applications for the dispatcher positions and the process to hire the police officer has started.

3. Public Works / Buildings and Grounds – Council President Nehls read the monthly report submitted by Supervisor Burns. Council President Nehls then reported the rock slope behind the Public Works Building will need to be addressed since the remediation work that had been done does not cover the entire building. He has asked Tom Herits to look at having Johnson Soils review this early next year. Council President Nehls also said the Best Lake fountains are not functioning properly and estimates to repair are \$6,000. with no warranty. The other option is to replace them at a cost of \$18,000 with a five year warranty. Councilwoman Joren recommended using the same vendor the Borough used for Watchung Lake. Councilman Nehls said these should be budgeted in 2016 for replacement. Council President Nehls also reported the Indoor Air Quality report for the Library shows the building is fine, according to EPA standards. He also said Public Works is looking at other sites for a temporary salt storage and he has asked Tom Herits to revisit the original site on the Weldon property.

### 4. Public Affairs:

Open Space – No report was submitted

Environmental – No report was submitted

Recreation – Councilman Mobus reported the Committee met two weeks ago and reviewed the budget for 2016.

Historical – Councilman Mobus reported the Commission had a special meeting November 11<sup>th</sup> to work on the 2016 budget and they will be meeting again on November 30<sup>th</sup>. He said the Texier House needs some upgrades including repairing the front steps, exterior needs painting, and the inside lighting should be changed. Councilman Mobus said there was a presentation of an interactive type of broadcast and a presentation of the compilation of videos done by Chris Vanderfleet. Mayor Pote thanked Councilman Franklin for the Veterans Day Ceremony and Councilwoman Joren questioned why we have the Ceremony at 9:30 AM and why not at the school. Mayor Pote explained we deviated this year because of the new names being added to the monument, however, we intend to continue back at the school next year.

Board of Health- Councilman Black reported the next meeting is December 9, 2015 at 7 PM.

5. Fire – Councilman Black said the Mayor and Council budgeted \$42,000 for the 2015 stipend and he explained the criteria that will be used to determine the allocation. He said all will be reviewed by and it is hoped that there will be an Ordinance in place next year for the Stipends.

6. Laws/Ordinances – Councilwoman Joren reported a meeting was held on November 9<sup>th</sup> at which time they discussed a possible Ordinance regulating the use of drones but decided to wait as there are currently bills in the Senate. She also said there is a resolution on the Agenda this evening raising several of the Borough fees, including those for gas pumps and the Hawking and Peddling licenses. Councilwoman Joren said the Grease Trap Ordinance will clarify required inspections for some seasonal facilities, and facilities that are only used occasionally. She said the Environmental Commission would like all businesses to make recycling bins available at their sites. Councilwoman Joren also said the Board of Health asked the Laws and Ordinance Committee to look at the possibility of having a Borough Ordinance in place to require all businesses to install carbon monoxide detectors

but she said legislation was just signed by the Governor to make this mandatory so there will be no need to have a Borough Ordinance.

**REPORTS - OTHER:**

7. Engineer – Tom Herits reported there is a Resolution on the Agenda awarding the Knollwood/Deer Run contract to Reivax; and the roadway improvement application for Washington Drive was submitted to the DOT. He also said the salt bins are ready for salt deliveries, and Bob Burns will be getting numbers for replacing the lights at the Texier House. Mr. Herits said he would like to have money bonded early next year for the Valley Drive project.

8. Police Chief – Chief Cina reported last Monday they have interviewed 22 applicants for the Dispatcher positions and the will now be bringing back 5 of those for a second interview, and the Department will start the process of looking for a replacement for the Policy Officer vacancy. He also reported the Department is preparing for Black Friday noting any additional Police Officers required will be paid for by the stores.

9. Fire Department – No report was submitted

10. Rescue Squad – Denise Wilson reported during the second public portion. She gave statistics for the month of October and noted will be the 25<sup>th</sup> anniversary of the Tree of Lights, and this year’s dedication will be to former Mayor Anthony Addario and Claire Ahl. Councilman Black asked how long Claire has been a volunteer and Denise said Claire has 35 years of volunteer service with the Rescue Squad. Mayor Pote said she was a WWII Vet and was honored at the November 11<sup>th</sup> ceremony. Ms. Wilson reported elections were held for 2016, Logan Taylor will be President and his supporting administration staff will be Ben Dorkin, Liana Sa, Rob Winston and Frances Campos (temporary fill in). Ali Diecke will be Captain and her supporting operations staff will be Charles Pivnichy, Vinay Keelara, Adam Wexler (temporary fill in) and Roberto Martinez.

11. Emergency Management – Carolyn Solan reported on some of the events the CERT team has attended including an overnight simulation with Somerset County.

12. Attorney – Mr. Cruz had no report.

13. Clerk – Ms. DeRocco reminded Council it is a bill paying night to please sign before leaving. She also said Shelini has completed the Somerset County Leadership program, and remind all the Holiday Party is December 4<sup>th</sup> at the Forest Lodge. Mayor Pote reminded everyone the Tree of Lights ceremony is on Saturday, December 5<sup>th</sup> at 5:30 pm.

14. Administrator – Mr. Atkins said the Best Lake fountain replacement cost would be a Capital Expense. He also reported there will be an Employee Violence in the Workplace and Active Shooter training for all Borough employees on December 15<sup>th</sup> and another one will have to be scheduled for the Council Members. Mr. Atkins said five resumes were received for replacing Tony Sacarro and they will begin interviewing on Tuesday, December 1<sup>st</sup>.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

No one from the public wished to be heard

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**UNFINISHED BUSINESS**

A Public Hearing on Ordinance OR:15/12 entitled: **“AN ORDINANCE AMENDING CHAPTER XI, TITLED “GENERAL LICENSING”, TO CREATE A NEW SECTION 11-9, TITLED “PRECIOUS METALS AND OTHER SECONDHAND GOODS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG**” was held.

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution:

R1:11/23/15 Adoption of OR:15/12 - Amend Code to Implement Requirements for the Sale  
Re-sale of Precious Metals and other Second-hand Goods

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls,

Black, Franklin, Joren, Gibbs, Mobus, “aye.”

A Public Hearing on Ordinance OR:15/13 entitled: “**AN ORDINANCE AMENDING CHAPTER X, TITLED “ANIMAL CONTROL”, ARTICLE I, TITLED “DOGS”, TO ADD A NEW SECTION 10-19, TITLED “TETHERING OF DOGS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.**” was held.

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution:

R2: Adoption of OR:15/13 - Amend Code, add Section to Address the Tethering of Dogs

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

Councilwoman Joren said she hopes we never need to enforce this Ordinance.

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**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below were unanimously adopted following a motion by council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

Approval of the following Council minutes:  
November 5, 2015

Acknowledging Receipt of the following Borough Reports:  
Building Department Report – October, 2015  
Recreation Commission Minutes – June 10, September 2, October 7, 2015  
Historical Committee Minutes – June 10, 2015

Acknowledging Receipt of the following Correspondence:  
None

Councilwoman Joren said she still does not understand why were are getting minutes from June in November.

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda Resolutions R3-R6 and R8 and R10 were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

Prior to voting on the resolutions Mayor Pote requested R7 be removed, as since the year is almost over it doesn’t make sense to appoint these volunteers when the particular Committees will not even be meeting. He said he looks forward to making these appointments in January.

Council President Nehls requested R9 be removed for separate vote due to conflict that he does consulting work for this bank.

R3:11/23/15 Authorize Professional Service Contract – Accessory Apartment and Housing  
Rehabilitation Programs / Community  
Action Services /

R4: Purchases Over \$2,000. – Beyer-Warnock Fleet Sales (PD Durango)  
Winner Ford (PD All-Wheel Drive Vehicle)  
The Rodgers Group, LLC (PD Training Modules)  
LawSoft, Inc. (PD Support & Maintenance CAD System)  
East Coast Emergency Lighting (PD Vehicle Equipment)  
Laser Technology Inc. (PD 3 Radar Units)

R5: Authorize Discharge of Liens / Belgium Block Curbing (as listed on Resolution)

- R6: Award Bid – Roadway and Drainage Improvements to Knollwood Drive and Deer Run and Drainage Improvements at Various Locations / Reivax Construction
- ~~R7: Authorize Committee Appointments Heidi Rubino / Wildlife Management Advisory Margaret Ellis / Green Team~~
- R8: Establishing Criteria and Procedures for the 2015 Fire Department Stipend
- R9: Designation of Depositories for 2015 / Addition of Investors Bank
- R10: Authorize the Insertion of a Special Item of Revenue – Chapter 159 / State of New Jersey Body Armor

Council President Nehls moved R9 with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, “abstain”; Black, Franklin, Joren, Gibbs, Mobus, “aye”.

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**NON-CONSENT AGENDA ITEMS:** Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Proposed Ordinance OR:15/14 entitled: **“AN ORDINANCE REPEALING AND REPLACING SECTION 18-11, TITLED “GREASE TRAPS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.”** was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.” Public hearing to be held December 17, 2015.

- R11: Introduction of Ordinance OR:15/14 – Amend Code / Revise and clarify regulations pertaining to Grease Traps

Proposed Ordinance OR:15/15 entitled: **“AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER XI, ENTITLED “GENERAL LICENSING” BY INCREASING CERTAIN FEES.”** was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.” Public hearing to be held December 17, 2015.

- R12: Introduction of Ordinance OR:15/15- Amend Code / Various Fee Revisions

Councilman Gibbs introduced Resolution R13, and made the following statement: I am voting in the affirmative for all items on the Bill List, but recusing myself on the purchase of energy commodity, due to his employment with an energy commodity supplier...” Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

- R13: Payment of Bills

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**PUBLIC PORTION – GENERAL DISCUSSION**

Lane Solan, Hillcrest Road, said he listened to tonight’s discussion on the placement of the 9/11 Memorial and knows it is too late to make changes but he feels the design is disjointed from all other memorials the Borough has. He said he did mention this when this design was first presented but members did not agree. Mayor Pote said Council could look at this issue. Councilwoman Joren said the reason the Texier House site was considered was because the other Memorial is there.

Tom Franklin, Wildwood Terrace, speaking as a resident, asked what could be done to enforce the Borough sign ordinance. He said we do allow some signs but not for Commercial businesses and he said the Borough has no obligation to call the organization to remove them. Mayor Pote said the Borough could make one call to the organization that the signs will be destroyed if not picked up. Councilwoman Joren said Ed Bennett should be contacted and he should have them taken down.

Mayor Pote asked Council members to consider cancelling the December 3<sup>rd</sup> meeting since it is less than two weeks from now, and it was the consensus of the Council members to cancel the meeting.

Council President Nehls moved the following Resolution with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Mobus, “aye.”

R14: Executive Session: PBA Grievance / Personal Day Notification  
PBA Grievance / Acting Watch Commander Differential

Councilman Black asked to be excused from the Executive Session.

Upon return to regular session Council members Nehls, Franklin, Joren, Mobus were present. Councilman Gibbs asked to be excused before returning to open session.

The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

## ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 11:10 P.M. to the Call of the Chair and to the next scheduled Council meeting on Thursday, December 17, 2015 at 7:30 PM

Respectfully submitted,

MaryAnn Hance  
Deputy Clerk